



# Broadcasting Act 1990

## 1990 CHAPTER 42

### PART III

#### INDEPENDENT RADIO SERVICES

### CHAPTER V

#### SUPPLEMENTAL

#### 126 Interpretation of Part III.

(1) In this Part (unless the context otherwise requires)—

“additional service” and “additional services licence” shall be construed in accordance with section 114(1) and section 115(9) respectively;

“the appropriate percentage”, in relation to any year, has the meaning given by section 102(10);

<sup>F1</sup>  
...

“cash bid” has the meaning given by section 98(8);

[<sup>F2</sup>“independent radio service” means a service falling to be regulated under section 245 of the Communications Act 2003;]

“licence” means a licence under this Part, and “licensed” shall be construed accordingly;

<sup>F1</sup>  
...

“local licence” and “national licence” mean a licence to provide a local service and a licence to provide a national service, respectively;

[<sup>F3</sup>“local service”, “national service” and “restricted service” each has the same meaning as in section 245 of the Communications Act 2003;

“pre-transfer local licence” and “pre-transfer national licence” each has the same meaning as in section 253 of that Act;

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*Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Section 126. (See end of Document for details)*

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“radio licensable content service” has the same meaning as in Part 3 of that Act;

“radio transfer date” has the same meaning as in that Act;]

[<sup>F4</sup>“simulcast radio service” means a simulcast radio service within the meaning given by section 41(2) of the Broadcasting Act 1996 for the purposes of Part 2 of that Act;]

“sound broadcasting service” means a broadcasting service whose broadcasts consist of transmissions in sound only [<sup>F5</sup>but does not include a radio multiplex service ]<sup>F6</sup>(within the meaning of Part 3 of the Communications Act 2003)] ;

“spare capacity” shall be construed in accordance with section 114(2).

[<sup>F7</sup>(1A) For the purposes of this Part a simulcast radio service corresponds to a national service if, in accordance with section 41(3) of the Broadcasting Act 1996, it falls to be treated as so corresponding for the purposes of Part 2 of that Act.]

- (2) Any reference in this Part to an area in the United Kingdom does not include an area which comprises or includes the whole of England; and nothing in this Part shall be read as precluding a local service from being provided for an area or locality that is to any extent comprised in the area or locality for which another local service is to be provided.
- (3) Where the person who is for the time being the holder of any licence (“the present licence holder”) is not the person to whom the licence was originally granted, any reference in this Part (however expressed) to the holder of the licence shall be construed, in relation to any time falling before the date when the present licence holder became the holder of it, as including a reference to a person who was previously the holder of the licence.

#### Textual Amendments

- F1** Words in s. 126(1) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\) Note 1](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F2** Words in s. 126(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 59\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F3** Words in s. 126(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 59\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F4** Words in s. 126(1) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 256\(2\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F5** Words in s. 126 inserted (1.10.1996) by [1996 c. 55](#), s. 148(1), [Sch. 10 Pt. I para. 9](#) (with s. 43(1)(6)); [S.I. 1996/2120](#), art. 4, [Sch. 1](#)
- F6** Words in s. 126(1) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 15 para. 59\(c\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- F7** S. 126(1A) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 256\(3\)](#), 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

#### Modifications etc. (not altering text)

- C1** Pt. III: transfer of functions (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 1 para. 5](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

**Changes to legislation:**

There are currently no known outstanding effects for the Broadcasting Act 1990, Section 126.